

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al.                      Art Unit : Unknown  
Serial No. : To be assigned                              Examiner : Unknown  
Filed : November 14, 2003  
Title : METHOD FOR TREATING INTERVERTEBRAL DISC

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Under 35 USC §120, this application relies on the earlier filing date of the following applications:

Serial No. 10/388,609, filed March 17, 2003, Serial No. 09/707,627, filed, November 6, 2000, Serial No. 09/236,816, filed January 25, 1999, Serial No. 09/162,704 filed September 29, 1998, Serial No. 09/153,552 filed September 15, 1998, Serial No. 08/881,525, filed June 24, 1997, Serial No. 08/881,692, filed June 24, 1997, Serial No. 08/881,527, filed June 24, 1997, Serial No. 08/881,693, filed June 24, 1997, Serial No. 08/881,694, filed June 24, 1997, Serial No. 09/876,833, filed June 6, 2001, Serial No. 09/876,832, filed June 6, 2001, Serial No. 09/876,831, filed June 6, 2001, Serial No. 10/624,894, filed July 23, 2003, Serial No. 09/753,786, filed January 2, 2001, Serial No. 09/022,688, filed February 12, 1998, Serial No. 10/242,777, filed September 13, 2002, Serial No. 09/340,065, filed June 25, 1999, Serial No. 09/022,612, filed February 12, 1998, Serial No. 09/776,231, filed February 1, 2001, 09/776,186, filed February 1, 2001, Serial No. 09/272,806, filed March 19, 1999, Serial No. 09/884,859, filed June 18, 2001, Serial No. 09/792,628, filed February 22, 2001, Serial No. 09/664,473, filed September 18, 2000, Serial No. 08/696,051, filed August 13, 1996.

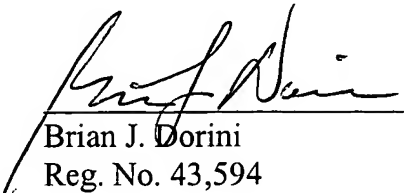
The cited references, except document HQ, were submitted to and/or cited by the Office in at least one of the prior applications, and, in accordance with 37 CFR § 1.98(d), copies of these documents are not being provided unless so requested by the Examiner. As document HQ is a U.S. patent, no copy is being provided (1276 OG 55).

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Serial No. :  
Filed : November 14, 2003  
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Attorney's Docket No.: 14170-038006 / 25-31-0050

This statement is being filed with the application, therefore, no fee is due. However, please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: November 14, 2003   
Brian J. Dorini  
Reg. No. 43,594

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331

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Substitute Form PTO-1449 (Modified)  <b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)  (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-038006	Application No. To be assigned
	Applicant Hugh R. Sharkey et al.		
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### U.S. Patent Documents

Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	2,090,923	8/37	Wappler			
	AB	3,178,728	4/65	Christensen			
	AC	3,579,643	5/71	Morgan			
	AD	3,776,230	12/73	Neefe			
	AE	3,807,390	4/74	Ostrowski et al.			
	AF	3,856,015	12/74	Iglesias			
	AG	3,867,728	2/75	Substad et al.			
	AH	3,879,767	4/75	Substad			
	AI	3,886,600	6/75	Kahn et al.			
	AJ	3,938,198	2/76	Kahn et al.			
	AK	3,945,375	3/76	Banko			
	AL	3,987,499	10/76	Scharbach et al.			
	AM	3,992,725	11/76	Homsy			
	AN	4,043,342	8/97	Morrison, Jr.			
	AO	4,074,718	2/78	Morrison, Jr.			
	AP	4,085,466	4/78	Goodfellow et al.			
	AQ	4,129,470	12/78	Homsy			
	AR	4,134,406	1/79	Iglesias			

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Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AS	0 257 116 A1	3/88	EPO				
	AT	0 274 705 A1	7/88	EPO				
	AU	0 479 482 A1	4/92	EPO				
	AV	0 521 595 A2	1/93	EPO				
	AW	0 542 412 A1	5/93	EPO				

### Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AX	

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	BA	4,224,696	9/80	Murray et al.			
	BB	4,224,697	9/80	Murray et al.			
	BC	4,326,529	4/82	Doss et al.			
	BD	4,344,193	8/82	Kenny			
	BE	4,362,160	12/82	Hiltebrandt			
	BF	4,378,220	3/83	Matvias			
	BG	4,381,007	4/83	Doss			
	BH	4,397,314	8/83	Vaguine			
	BI	4,405,314	9/83	Cope			
	BJ	4,476,862	10/84	Pao			
	BK	4,483,338	11/84	Bloom et al.			
	BL	4,517,965	5/85	Ellison			
	BM	4,517,975	5/85	Garito et al.			
	BN	4,590,934	5/86	Malis et al.			
	BO	4,593,691	6/86	Lindstrom et al.			
	BP	4,597,379	7/86	Kihn et al.			
	BQ	4,601,705	7/86	McCoy			
	BR	4,651,734	3/87	Doss et al.			

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Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	BS	0 558 297 A2	9/93	EPO				
	BT	0 566 450 A1	10/93	EPO				
	BU	0 572 131 A1	12/93	EPO				
	BV	0 682 910 A1	11/95	EPO				
	BW	0 479 482 B1	5/96	EPO				

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	CA	4,737,146	4/88	Amaki et al.			
	CB	4,811,733	3/89	Borsanyi et al.			
	CC	4,815,462	3/89	Clark			
	CD	4,838,859	6/89	Strassmann			
	CE	4,846,175	7/89	Frimberger			
	CF	4,873,976	10/89	Schreiber			
	CG	4,894,063	1/90	Nashef			
	CH	4,895,148	1/90	Bays et al.			
	CI	4,907,585	3/90	Schachar			
	CJ	4,907,589	3/90	Cosman			
	CK	4,924,865	5/90	Bays et al.			
	CL	4,944,727	7/90	McCoy			
	CM	4,950,234	8/90	Fujioka et al.			
	CN	4,955,882	9/90	Hakky			
	CO	4,966,597	10/90	Cosman			
	CP	4,976,709	12/90	Sand			
	CQ	4,976,715	12/90	Bays et al.			
	CR	4,998,933	3/91	Eggers et al.			

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							Yes	No
	CS	0 729 730 A1	9/96	EPO				
	CT	0 737 487 A2	10/96	EPO				
	CU	0 783 903 A1	7/97	EPO				
	CV	1,122,634	9/56	France				
	CW	2,645,008	3/89	France				

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U.S. Patent Documents							
Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	DA	5,007,908	4/91	Rydell			
	DB	5,009,656	4/91	Reimels			
	DC	5,085,657	2/92	Ben-Simhon			
	DD	5,085,659	2/92	Rydell			
	DE	5,098,430	3/92	Fleenor			
	DF	5,100,402	3/92	Fan			
	DG	5,103,804	4/92	Abele et al.			
	DH	5,114,402	5/92	McCoy			
	DI	5,129,889	7/92	Hahn et al.			
	DJ	5,152,748	10/92	Chastagner			
	DK	5,178,620	1/93	Eggers et al.			
	DL	5,186,181	2/93	Franconi et al.			
	DM	5,191,883	3/93	Lennox et al.			
	DN	5,192,267	3/93	Shapira et al.			
	DO	5,201,729	4/93	Hertzmann et al.			
	DP	5,201,730	4/93	Easley et al.			
	DQ	5,201,731	4/93	Hakky			
	DR	5,213,097	5/93	Zeindler			

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	DS	35 111 07	10/86	Germany				
	DT	36 321 97	3/88	Germany				
	DU	5-42166	5/93	Japan				
	DV	637118	12/78	USSR				
	DW	1,340,451	12/73	UK				
	DX	2,164,473	3/86	UK				

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	EA	5,230,334	7/93	Klopotek			
	EB	5,242,439	9/93	Larsen et al.			
	EC	5,242,441	9/93	Avirall			
	ED	5,261,906	11/93	Pennino et al.			
	EE	5,267,994	12/93	Gentelia et al.			
	EF	5,275,151	1/94	Shockey et al.			
	EG	5,279,559	1/94	Barr			
	EH	5,284,479	2/94	de Jong			
	EI	5,304,169	4/94	Sand			
	EJ	5,308,311	5/94	Eggers et al.			
	EK	5,311,858	5/94	Adair			
	EL	5,320,115	6/94	Kenna			
	EM	5,323,778	6/94	Kandarpa et al.			
	EN	5,334,193	8/94	Nardella			
	EO	5,342,357	8/94	Nardella			
	EP	5,345,945	9/94	Hodgson et al.			
	EQ	5,348,554	9/94	Imran et al.			
	ER	5,352,868	10/94	Denen et al.			

### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	ES	WO 85/02762	7/85	WIPO				
	ET	WO 92/05828	4/92	WIPO				
	EU	WO 92/10142	6/92	WIPO				
	EV	WO 93/01774	2/93	WIPO				
	EW	WO 93/16648	9/93	WIPO				
	EX	WO 93/20984	10/93	WIPO				

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	FA	5,354,331	10/94	Schachar			
	FB	5,364,395	11/94	West, Jr.			
	FC	5,366,443	11/94	Eggers et al.			
	FD	5,366,490	11/94	Edwards et al.			
	FE	5,382,247	1/95	Cimino et al.			
	FF	5,389,100	2/95	Bacich et al.			
	FG	5,397,304	3/95	Truckai			
	FH	5,401,272	3/95	Perkins			
	FI	5,415,633	5/95	Lazarus et al.			
	FJ	5,423,806	6/95	Dale et al.			
	FK	5,433,739	7/95	Sluijter et al.			
	FL	5,437,661	8/95	Rieser			
	FM	5,437,662	8/95	Nardella			
	FN	5,451,223	9/95	Ben-Simhon			
	FO	5,458,596	10/95	Lax et al.			
	FP	5,464,023	11/95	Viera			
	FQ	5,465,737	11/95	Schachar			
	FR	5,484,403	1/96	Yoakum et al.			

### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	FS	WO 95/01814	1/95	WIPO				
	FT	WO 95/13113	5/95	WIPO				
	FU	WO 95/18575	7/95	WIPO				
	FV	WO 95/20360	8/95	WIPO				
	FW	WO 95/25471	9/95	WIPO				
	FX	WO 95/30373	11/95	WIPO				

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Examiner Initial	Desig. ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	GA	5,484,432	1/96	Sand			
	GB	5,484,435	1/96	Fleenor et al.			
	GC	5,487,757	1/96	Truckai et al.			
	GD	5,498,258	3/96	Hakky et al.			
	GE	5,500,012	3/96	Brucker et al.			
	GF	5,507,812	4/96	Moore			
	GG	5,514,130	5/96	Baker			
	GH	5,524,338	6/96	Martyniuk et al.			
	GI	5,527,331	6/96	Kresch et al.			
	GJ	5,542,920	8/96	Cherif Cheikh			
	GK	5,569,242	10/96	Lax et al.			
	GL	5,599,346	2/97	Edwards et al.			
	GM	5,630,839	5/97	Corbett, III, et al.			
	GN	5,681,282	10/97	Eggers et al.			
	GO	5,683,366	11/97	Eggers et al.			
	GP	5,688,270	11/97	Yates et al.			
	GQ	5,697,909	12/97	Eggers et al.			
	GR	5,718,702	2/98	Edwards			

### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	GS	WO 95/30377	11/95	WIPO				
	GT	WO 95/34259	12/95	WIPO				
	GU	WO 96/11638	4/96	WIPO				
	GV	WO 96/32051	10/96	WIPO				
	GW	WO 96/32885	10/96	WIPO				
	GX	WO 96/34559	11/96	WIPO				

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	HA	5,782,795	7/98	Bays			
	HB	5,810,809	9/98	Rydell			
	HC	5,874,500	2/99	Rhee et al.			
	HD	5,888,220	3/99	Felt et al.			
	HE	5,980,504	11/99	Sharkey et al.			
	HF	6,007,570	12/99	Sharkey et al.			
	HG	6,073,051	6/00	Sharkey et al.			
	HH	6,095,149	8/00	Sharkey et al.			
	HI	6,099,514	8/00	Sharkey et al.			
	HJ	6,122,549	9/00	Sharkey et al.			
	HK	6,126,682	10/00	Sharkey et al.			
	HL	6,176,857	1/2001	Ashley			
	HM	6,258,086	7/2001	Ashley et al.			
	HN	6,264,650	7/2001	Hovda et al.			
	HO	6,283,961	9/2001	Underwood et al.			
	HP	6,350,262	2/2002	Ashley			
	HQ	5,486,161	1/23/96	Lax et al.			
	HR						

### Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	HS	WO 96/34568	11/96	WIPO				
	HT	WO 96/34571	11/96	WIPO				
	HU	WO 96/39914	12/96	WIPO				
	HV	WO 97/06855	2/97	WIPO				
	HW	WO 97/07468	2/98	WIPO				
	HX	WO 98/17190	4/98	WIPO				

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Examiner Initial	Desig. ID	Document
	IA	Trimedyn, The Less Invasive Laser Advantage, Omni Spinal Introduction System.
	IB	PRNewswire ( Dec. 12, 1994), Two Physicians Perform First Outpatient Cervical Disc Procedure Using Laser Technology.
	IC	Introduction to the LDD Disc Kit, Oct. 16, 1996.
	ID	Mayer et al., Lasers in Percutaneous Disc Surgery: Beneficial Technology or Gimmick?, vol. 25 No. 251 (1993) pp. 38-44.
	IE	Schatz et al., Preliminary Experience With Percutaneous Laser Disc Decompression in the Treatment of Sciatica, vol. 38 No. 5, Oct. 1995, pp. 432-436.
	IF	Savitz M. A., Same-day Microsurgical Arthroscopic lateral-approach Laser-assisted (SMALL) Fluoroscopic Discectomy, vol. 80, Jun. 1994 pp. 1039-1045.
	IG	Bosacco et al., Functional Results of Percutaneous Laser Discectomy, Dec. 1996, pp. 825-828.
	IH	Sluijter M.E., The Use of Radiofrequency lesions For Pain Relief in Failed Back Patients, vol. 10 No. 1 (1988).
	II	Cosman et al., Theoretical Aspects of Radiofrequency lesions in the Dorsal Root Entry Zone, vol. 15 No. 6 (1984) pp. 945-950.
	IJ	Wilkins et al., Neurosurgery: Method of Making Nervous System Lesions, ch. 337, pp. 2490-2499.
	IK	Yonezawa et al., The System and Procedure of percutaneous Intradiscal Laser Nucleotomy, vol. 15 No. 5 (1990) pp. 1175-1185.
	IL	Gottlob et al., Lasers in Surgery and Medicine: Holmium:YAG Laser Ablation of Human Intervertebral Disc: Preliminary Evaluation, vol. 12, (1991) pp. 86-91.
	IM	Buchelt et al., Laser in Surgery and Medicine: Fluorescence Guided Excimer Laser Ablation of Intervertebral Discs In Vitro, vol. 11, (1991) pp. 280-286.
	IN	Choy et al., Percutaneous Laser Disc Decompression: A New Therapeutic Modality, vol. 17 No. 8, (1992) pp. 949-956.
	IO	Sluijter et al., Persistent Pain, Modern Methods of Treatment: Treatment of Chronic Back and neck Pain, vol. 3, (1981) pp. 141-179.
	IP	Sluijter, Int Disabil Studies: The use of Radio Frequency Lesions For Pain Relief in Failed Back, vol. 10, Sep. 4, 1996, pp. 141-179.
	IQ	Schatz et al., CJS JCC Preliminary Experience With Percutaneous Laser Disc Decompression in the Treatment of Sciatica, vol. 38 No. 5, Oct. 1995 pp. 432-436.
	IR	Sluyter, Radiofrequency Lesions in the Treatment of Cervical Pain Syndromes, Radionics, Inc. (1989).
	IS	Kelly L.E., Purification and Properties of a 23kDa Ca <sup>2+</sup> -binding Protein, (1990) 271, pp. 661-666.
	IT	Gehring W. J., Exploring the Homeobox, (1993), pp. 215-221.
	IU	Buchelt et al., Lasers in Surgery and Medicine: Erb:YAG and Hol:YAG Laser Ablation of Meniscus and Intervertebral Discs, vol. 12 No. 4, (1992) pp. 375-381.
	IV	Leu et al., Der Orthopade: Endoskopie der Wirbelsaule: Minimal-invasive Therapie, vol. 21, (1992) pp. 267-272.
	IW	Phillips et al., JMRI: MR Imaging of Ho: YAG Laser Discectomy with Histologic Correlation, vol. 3 No. 3, May/Jun. 1993.

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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-038006	Application No. To be assigned
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Hugh R. Sharkey et al.	
		Filing Date November 14, 2003	Group Art Unit To be assigned

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Desig. ID	Document
	KA	Vorwerck et al., Laserablation des Nucleus Pulposus: Optische Eigenschaften von Degeneriertem Bandscheibengewebe im Wellenlangenbereich von 200 bis 2200 nm, vol. 151 No. 6, (1989) pp. 725-728.
	KB	"Answer and Counterclaim of Defendant TYCO HEALTHCARE GROUP LP in Civil Action No. 01-558" (U.S. District Court, District of Columbia)

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